

REMARKS

Amendments to the claims

Claim 1 has been rewritten in the active form and has been amended to recite "using data about the stored markers of multiple locations is used to provide an information item relevant to use of the space". This amendment is supported by the application as filed, for example Figs. 1 and 2 and the corresponding portion of the specification.

The language of claims 7-10, 13 and 20-25 has been amended consistently with the amendments of the language of claim 1.

Claim 26 has been amended to recite "a second arrangement comprising a data-processing system arranged to selectively use data about the stored markers of multiple locations and of a specific type or combinations of types, to provide an information item relevant to use of the space, said specific type or combinations of types being selected in dependence on the nature of the information item to be provided". This amendment is supported by the application as filed, for example Figs. 1 and 2 and the corresponding portion of the specification.

The dependency of claim 30 has been corrected; the language of claim 41 has been corrected; and the language of claims 33-35, 38, 45-50 has been amended consistently with the amendments of the language of claim 26.

All amendments are made without prejudice, and Applicants expressly reserve the right to reintroduce any cancelled feature or claim in the present application or in any derivative thereof.

No new matter has been added.

Double Patenting

Claims 1-50 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of the copending application No 10/635940. Applicants respectfully disagree and note that the Examiner acknowledges that the conflicting claims are not identical. Applicants further note

that the amendments to the claims submitted in the present response make the differences between the present claims and the issued claims even clearer, and respectfully request the Examiner to withdraw this rejection.

Objections to the claims

Claim 30 stands objected to for depending on claim 37. Applicants note that claim 30 has been corrected to depend on claim 27, and respectfully request the Examiner to withdraw this objection.

Rejection under 35 U.S.C. 102

Claims 1-15, 17-19, 23-25, 26-40, 42-44 and 48-50 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,539,393 to Kabala. Applicants respectfully disagree.

Claim 1

The Examiner asserts that Kabala discloses a method of providing information about a real-world space, comprising (a) with a first arrangement, depositing and storing virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user (column 4, lines 52-63).

Applicants respectfully disagree and note that Kabala discloses, in a first embodiment, a process comprising transmitting a unique ID code (column 4, lines 24-25) of a badge carried by an attendee and forwarding this ID information to track individually each attendee and to know precisely where each attendee has gone, for how long, to form "a list having identity of the attendees, the places of booths visited, the times of the visits, and the durations of the visits" (column 4, lines 63-67). Accordingly, Applicants submit that, even if one were to consider that the transmitting of ID codes from the user's badges of Kabala discloses in any way a "depositing and storing" of virtual markers such as in claim 1, Kabala would explicitly disclose that each marker is specific to each user. At least in view of the above, Applicants respectfully submit that Kabala fails to disclose a method as recited in claim 1, and in particular comprising "*depositing and storing virtual markers that are*

not specific to the user to indicate associated locations visited by the user in the space".

Applicants note that Kabala discloses another embodiment (Fig. 2) wherein badges or shopping cart transceivers emit unique ID codes specific to employees wearing badges (no two employees have a same ID badge) or to clients using the shopping cart (no two clients use a shopping cart with a same transceiver) allowing to track precisely the position of the employees or the clients in a shop. Applicants submit that unique ID codes, allowing to send ID codes specific to each user to individually track the users, are a necessary feature of Kabala, recited in independent claims 1, 7, 15, 21, 25, 26, 30, 34, 38, 42, 47, 52, 53 and 57, and therefore submit that modifying the teachings of Kabala in any way so as to transmit non unique ID codes, or codes not specific to a user, would go against the very teachings of Kabala. Accordingly, Applicants submit that Kabala does not suggest a method as recited in claim 1, and in particular comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space",* and respectfully submit that claim 1 is patentable over Kabala.

Claim 26

Applicants submit that the above arguments can be used to show that Kabala does not disclose or suggest apparatus as recited in claim 26, and in particular comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". Accordingly, Applicants respectfully submit that claim 26 is patentable over Kabala.

Claims 2-15, 17-19, 23-25, 27-40, 42-44 and 48-50

Claims 2-15, 17-19 and 23-25 depend directly or indirectly on claim 1, and claims 27-40, 42-44 and 48-50 depend directly or indirectly on claim 26. Applicants submit that at least in view of their dependency on claims 1 or 26, claims 2-15, 17-19, 23-25, 27-40, 42-44 and 48-50 are patentable over Kabala.

Rejection under 35 U.S.C. 103

Claims 20 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of published U.S. Patent Application No. 20020165731 to Dempsey; claims 21-22 and 46-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of published U.S. Patent Application No. 20020174021 to Chu; and claims 16 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of Chu and further in view of Dempsey. Applicants respectfully disagree.

Claim 20

Claim 20 depends on claim 1. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests a method comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space*". In view of the above, Applicants respectfully submit that claim 1 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 1, claim 20 is patentable over Kabala in view of Dempsey.

Claim 45

Claim 45 depends on claim 26. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests an apparatus comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". In

view of the above, Applicants respectfully submit that claim 26 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 26, claim 45 is patentable over Kabala in view of Dempsey.

Claims 21-22

Claims 21-22 depend on claim 1. Applicants submit that the Examiner has failed to show that Chu discloses or suggests a method comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space*". In view of the above, Applicants respectfully submit that claim 1 is patentable over Kabala in view of Chu, and submit that at least in view of their dependency on claim 1, claims 21-22 are patentable over Kabala in view of Chu.

Claims 46-47

Claims 46-47 depend on claim 26. Applicants submit that the Examiner has failed to show that Chu discloses or suggests an apparatus comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". In view of the above, Applicants respectfully submit that claim 26 is patentable over Kabala in view of Chu, and submit that at least in view of their dependency on claim 26, claims 46-47 are patentable over Kabala in view of Chu.

Claim 16

Claim 16 depends on claim 1. Applicants submit that the above arguments can be used to show that the Examiner has failed to show that any combination of Kabala, Chu and Dempsey would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising "*depositing and storing virtual markers that are not specific to the user to indicate associated locations visited by the user in the space*". In view of the above, Applicants respectfully submit that claim 1 is patentable over Kabala in view of Chu and further in view of Dempsey, and submit that at least in view of its dependency on claim 1, claim 16 is patentable over Kabala in view of Chu and Dempsey.

Claim 41

Claim 41 depends on claim 26. Applicants submit that the above arguments can be used to show that the Examiner has failed to show that any combination of Kabala, Chu and Dempsey would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising "*a first arrangement arranged to deposit and store virtual markers to indicate associated locations visited by the or each of at least one user in the space, said markers being of more than one type and not specific to a said user*". In view of the above, Applicants respectfully submit that claim 26 is patentable over Kabala in view of Chu and further in view of Dempsey, and submit that at least in view of its dependency on claim 26, claim 41 is patentable over Kabala in view of Chu and Dempsey.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 5, 2005
(Date of Transmission)

Shannon Tinsley
(Name of Person Transmitting)

Shannon Tinsley
(Signature)

10/5/05
(Date)

Respectfully submitted,



Robert Popa
Attorney for the Applicant
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite
2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@ladasperry.com